



IAPG Rec'd PCTO

23 JUN 2006

Application No.: 10/532,041  
Attorney Docket No.: 032013-121

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |                        |
|---|---|------------------------|
| In re Patent Application of               | ) | Mail Stop PCT          |
| Francois SCHUTZE et al.                   | ) | Group Art Unit:        |
| Application No.: 10/532,041               | ) | Examiner:              |
| International Filing Date: April 21, 2005 | ) | Confirmation No.: 5818 |
| For: Pharmaceutical Composition Combining | ) |                        |
| Tenatropazole for and an Anti-            | ) |                        |
| Inflammatory Agent                        | ) |                        |

**RENEWED SUBMISSION UNDER 37 CFR § 1.42**

Attn: Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Declaration mailed on 9 June 2006 (a copy of which is attached), it is respectfully requested that the attached executed declarations be accepted.

In this regard, Applicants submit herewith two complete, separately executed declarations. Applicants note that the first complete copy contains the signatures of the first five named inventors and the second complete copy contains the signature of the sixth named inventor.

With regard to the deceased inventor Alain Taccoen, pursuant to 37 C.F.R. § 1.42 and MPEP § 409.01(a), Nathalie Taccoen, who is Alain Taccoen's wife, signed on his behalf as the sole heir and legal representative to Alain Taccoen.

To clarify, the citizenship, residence and mailing address provided in the executed declaration applies to deceased inventor Alain Taccoen and to his wife and sole heir and legal representative Nathalie Taccoen.

As such, the deceased inventor is as follows:

Alain Taccoen  
9, avenue de Villiers  
F-78150 Le Chesnay  
France

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13 JUL 2006  
Legal Staff  
International Division

The wife of and sole heir and legal representative to Alain Taccoen is as follows:

Nathalie Taccoen  
9, avenue de Villiers  
F-78150 Le Chesnay  
France

Accordingly, the information provided in the executed declaration, which Nathalie Taccoen executed on Alain Taccoen's behalf, is applicable to both the deceased inventor Alain Taccoen and his wife, sole heir and legal representative, Nathalie Taccoen.

Therefore, the attached executed declarations provide the citizenship, residence and mailing address of both the deceased inventor and of the heir/legal representative. Thus, it is respectfully submitted that the executed declarations submitted herewith satisfy the requirements under 37 C.F.R. § 1.42, and it is respectfully requested that the executed declarations be accepted.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

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Date: June 23, 2006

09 JUN 2006



UNITED STATES PATENT and TRADEMARK OFFICE

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**URGENT**

In re Application of  
SCHUTZE, Francois et al  
PCT No.: PCT/FR2003/003120  
Application No.: 10/532,041  
Int. Filing Date: 21 October 2003  
Priority Date: 21 October 2002  
Attorney's Docket No.: 032013-121  
For: PHARMACEUTICAL COMPOSITION  
COMBINING ... AGENT



DECISION ON

PAPERS FILED

UNDER 37 CFR 1.42

This is a decision on the declaration filed 22 March 2006, which has been treated as a request for status under 37 CFR 1.42.

### BACKGROUND

On 21 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 23 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date. It indicated the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. The Notice stated that the above must be submitted within two months from date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventors be submitted, applicants submitted on 22 March 2006 a declaration signed by Nathalie TOCCOEN as legal representative and heir of the deceased inventor, Alain TOCCOEN.

BUCHANAN INGERSOLL PC

JUN 12 2006

DOCKETED 6-12-06 BY

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Missing Parts Due 8-9-06

### DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.63 since both the mailing address of the legal representative and deceased inventor is required.

Because the inventor Alain TACCOEN is deceased and Nathalie TACCOEN has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventors citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, applicants have only listed the legal representative's citizenship, residence and mailing address but the citizenship, residence and mailing address of the deceased inventor has not been provided in the declaration as required under 37 C.F.R. §1.63.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is not accepted.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Office of PCT Legal Administration, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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